

Chief, NEA Division, DD/P

18 March 1954

Office of General Counsel

Payment of Transportation of Adoptive Child
25X1A

Ref : [REDACTED] dated 27 January 1954

25X1A 1. This will acknowledge receipt of your memorandum of 8 March 1954, requesting an opinion from this office as to the possibility of reimbursement by the Agency for the cost of the transportation of the proposed adoptive child of [REDACTED] written request of 23 January 1954, which was forwarded by his station in the referenced dispatch, has also been noted.

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2. [REDACTED] reports that he wishes to adopt a [REDACTED] who is enrolled for immigration to the United States under Public Law 203, 83rd Congress, as a fully qualified refugee, and entitled to such a visa as far as can be determined at the present time. We gather from his statement that he cannot or does not wish to obtain a visa for the child until after his return to the United States, and that he is unwilling to complete the adoption proceedings until he is assured that the child will be granted a visa. He requests, therefore, that the Agency agree to pay the cost of transportation of the child to the United States if a visa is granted and promises that he will immediately adopt the child upon her arrival. 25X1A

3. While we appreciate the dilemma facing [REDACTED] we do not believe the Agency can legally furnish financial assistance until the proposed adoption proceedings are completed. The only possible basis under which the Agency could pay the cost of travel of this child is the authority granted the Agency under section 5(a)(1)(B) of Public Law 110 to "...pay

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the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty..." This office knows of no definition of the term "members of the family" which would include a total stranger. We are forced to the conclusion that [REDACTED] must adopt the child prior to the Agency being in a legal position to pay for the cost of her transportation.

4. The referenced dispatch and accompanying papers are returned herewith.

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[REDACTED]

attachment

OGC/TMF:cdg

Distribution:

cc: Orig 1 - addressee

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